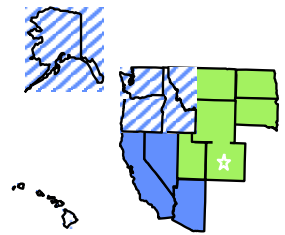




# US Army Environmental Center Western Regional Environmental Office REGION 8 – NOVEMBER 2005 **WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. This information is intended for general guidance, and the reader should review the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations. When used within the framework of ISO 14001, this Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO14001. Please contact your regional point of contact if any pending rules or laws in this document will have a significant impact on your operations.

## **WREO STAFF**

Regional Chief/DOD REC Region 8  
Gerald Owens  
(303) 844-0953  
[gerald.owens@us.army.mil](mailto:gerald.owens@us.army.mil)

Regional Counsel - Kevin Ward  
(303) 844-0955  
[kward@rma.army.mil](mailto:kward@rma.army.mil)

Senior Army REC - Mark Mahoney  
(303) 844-0956  
[mmahoney@rma.army.mil](mailto:mmahoney@rma.army.mil)

Army REC Region 8 - Tim Blume  
(303) 844-0958  
[tblume@rma.army.mil](mailto:tblume@rma.army.mil)

Army REC Region 9 – Park Haney  
(303) 844-0957  
[park.haney@us.army.mil](mailto:park.haney@us.army.mil)

Army REC Region 10 – Brad Wright  
(303) 844-0959  
[brad.wright@rma.army.mil](mailto:brad.wright@rma.army.mil)

Project Manager - Bob Gurdikian  
(303) 844-0952  
[rgurdikian@rma.army.mil](mailto:rgurdikian@rma.army.mil)

Administrative Assistant - Debora Clark  
(303) 844-0950  
[dclark@rma.army.mil](mailto:dclark@rma.army.mil)

Regulatory Affairs Specialist - Julia Miller  
(303) 844-0954  
[jmiller@rma.army.mil](mailto:jmiller@rma.army.mil)

## **Multi-Service Contacts**

DOD REC Region 8 - Gerald Owens  
(303) 844-0953  
[gerald.owens@us.army.mil](mailto:gerald.owens@us.army.mil)

Army REC Region 8 - Tim Blume  
(303) 844-0958  
[tblume@rma.army.mil](mailto:tblume@rma.army.mil)

Navy REC Region 8 - Hayden Street  
(360) 396-5089  
[hayden.street@navy.mil](mailto:hayden.street@navy.mil)

Air Force REC Region 8 - Mike Garrison  
(214) 767-4652  
[mike.garrison@brooks.af.mil](mailto:mike.garrison@brooks.af.mil)

DLA REC Region 8 - Frank Robinson  
(801) 777-8028 (DSN 777-8028)  
[frank.robinson@dla.mil](mailto:frank.robinson@dla.mil)

## **WREO Information About Monthly Reviews**

The Monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail: [jmiller@rma.army.mil](mailto:jmiller@rma.army.mil). Write "Subscription" in the subject line and include your name and e-mail address. For general comments, please contact Bob Gurdikian at the Western Regional Environmental Office, U.S. Custom House, 721 19th Street, Room 427, Denver, CO 80202-2500; phone: (303) 844-0952, or fax: (303) 844-0951.

The WREO's mission is to support the Army/DoD through coordination of regional environmental issues and activities. Part of its mission is to provide regional reviews of legislative and regulatory issues relevant to the Army/DoD in the Western Region. The information contained in this review is current as of the 20th day of the previous month.

## **TABLE OF CONTENTS**

<b>Federal News &amp; Regulatory Developments</b>	2-5
<b>Conferences, Symposiums, &amp; Training</b>	6-7
<b>Colorado</b>	8-10
<b>Montana</b>	11
<b>North Dakota</b>	12
<b>South Dakota</b>	13
<b>Utah</b>	14
<b>Wyoming</b>	15



## FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



### ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

#### AIR INFORMATION:

**STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND EMISSION GUIDELINES FOR EXISTING SOURCES** – The United States Environmental Protection Agency (EPA) has issued revised definitions for the terms "solid waste," "commercial or industrial waste," and "commercial and industrial solid waste incineration unit" (70 FR 55568). The final amendments to the definitions do not change the scope of the commercial and industrial solid waste incineration rules. The final rule is effective September 22, 2005. For more information, contact Larry Webber, United States Army Environmental Center (USAEC), at (410) 436-1213. A fact sheet is available at [http://www.epa.gov/ttn/oarpg/t3/fact\\_sheets/22225ciswidefsfact.pdf](http://www.epa.gov/ttn/oarpg/t3/fact_sheets/22225ciswidefsfact.pdf).

**FINAL STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR HAZARDOUS WASTE COMBUSTORS** – The EPA published a final rule for Phase II National Emission Standards for Hazardous Air Pollutants (NESHAP) for new and existing hazardous waste combustors (70 FR 59401). Combustors covered by the rule include: hazardous waste burning incinerators, cement kilns, lightweight aggregate kilns, industrial/commercial/institutional boilers and process heaters, and hydrochloric acid production furnaces that burn hazardous waste. The regulation includes numerical standards for dioxin/furans, mercury, particulate matter, semivolatile metals (lead and cadmium), low volatile metals (arsenic, beryllium, and chromium), total chlorine, and carbon monoxide. The final rule is effective December 12, 2005. For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

#### WATER INFORMATION:

**GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION** – The EPA published a final rule that revises several provisions of the general pretreatment regulations that address requirements for industrial users who introduce pollutants into publicly owned treatment works (70 FR 60133). This final rule includes changes to certain program requirements to be consistent with National Pollutant Discharge Elimination System (NPDES) requirements for direct dischargers to surface waters. This regulation is effective November 14, 2005. For more information, contact Misha Turner, USAEC, at (410) 436-1203.

**REMOVAL CREDITS PROVISIONS OF THE GENERAL PRETREATMENT REGULATIONS** – The EPA is seeking comments on two issues concerning the removal credits provisions in the general pretreatment regulations (70 FR 60199). The EPA is requesting comments on whether to amend the list of pollutants for which removal credits are available to add certain pollutants. The EPA is also soliciting comments on options to amend the consistent removal provision in

the removal credits regulations. Comments are due December 13, 2005. For more information, contact Misha Turner, USAEC, at (410) 436-1203.

### **WASTE INFORMATION:**

#### **REVISION OF WASTEWATER TREATMENT EXEMPTIONS FOR HAZARDOUS WASTE MIXTURES**

– The EPA finalized the addition of benzene and 2-ethoxyethanol to the list of solvents that when mixed with wastewaters are exempted from the definition of hazardous waste under the Resource Conservation and Recovery Act (RCRA). The EPA also added a revision that allows generators to directly measure solvent chemical levels at the headworks of the wastewater treatment system to determine whether the wastewater mixture is exempt from the definition of hazardous waste (70 FR 57769). The rule is effective on November 3, 2005. For more information, contact Mike Eck, USAEC, at (410) 436-7068.

**TOXICS RELEASE INVENTORY BURDEN REDUCTION** - Under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA), the EPA is proposing to revise certain requirements for the Toxics Release Inventory (70 FR 57822). The revision would increase eligibility for the Form A Certification Statement for non-Persistent Bioaccumulative and Toxic (PBT) chemicals by raising the eligibility threshold to 5000 pounds for the annual reportable amount of a toxic chemical. It would also allow limited use of Form A for PBT chemicals where total releases are zero and the PBT annual reportable amount does not exceed 500 pounds. Dioxin and dioxin-like compounds are excluded from consideration for expanded Form A eligibility. Comments are due December 5, 2005. For more information, contact Mike Eck, USAEC, at (410) 436-7068.

#### **FINAL AUTHORIZATION OF NORTH DAKOTA HAZARDOUS WASTE MANAGEMENT PROGRAM REVISION**

– The EPA has determined that changes to the North Dakota hazardous waste management program satisfy all requirements for final authorization (70 FR 56132). Final authorization becomes effective on November 25, 2005. For more information, contact Mike Eck, USAEC, at (410) 436-7068.

#### **FINAL AUTHORIZATION OF SOUTH DAKOTA HAZARDOUS WASTE MANAGEMENT PROGRAM**

– The EPA has determined that changes to the South Dakota hazardous waste management program satisfy all requirements for final authorization (70 FR 56419). For more information, contact Mike Eck, USAEC, at (410) 436-7068.

#### **FINAL AUTHORIZATION OF MONTANA HAZARDOUS WASTE MANAGEMENT PROGRAM**

- The EPA has determined that changes to the Montana hazardous waste management program satisfy all requirements for final authorization (70 FR 57152). Final authorization becomes effective on November 29, 2005. For more information, contact Mike Eck, USAEC, at (410) 436-7068.

### **OTHER INFORMATION:**

**DRAFT ALL-AGES LEAD MODEL** – The EPA has released an external review draft of the All-Ages Lead Model (AALM) Version 1.05 for public review and comment. The draft software and guidance manual are available at <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=139314>.

**CROSS-MEDIA ELECTRONIC REPORTING** – The EPA announced a final rule establishing a framework for electronic reporting and recordkeeping (70 FR 59847). This rule does not require that any document be submitted electronically, and it does not require any state, tribe, or local

authorized program to receive electronic documents. While this rule establishes electronic reporting as a regulatory alternative, the EPA will make the electronic submission alternative available for specific reports or other documents only as the EPA announces its readiness to receive them through its Central Data Exchange (CDX) or another designated system. This rule is effective January 11, 2006.

**2006 FUEL ECONOMY GUIDE** – The EPA and the United States Department of Energy have released the 2006 Fuel Economy Guide. The guide includes fuel economy estimates for gasoline and diesel vehicles as well as alternative fuel vehicles such as hybrid-electric, ethanol flexible-fuel, compressed natural gas, propane, and hydrogen fuel cell vehicles. The guide is available at <http://www.fueleconomy.gov/feg/FEG2000.htm>.

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)



## OTHER FEDERAL INFORMATION

### **FISCAL YEAR 2006 LANDOWNER INCENTIVE PROGRAM FOR STATES AND TERRITORIES**

– The United States Fish and Wildlife Service (USFWS) requested comments on the Landowner Incentive Program (LIP) criteria for awarding conservation grants to states, the District of Columbia, and non-tribal territories (70 FR 54765). Comments were due October 31, 2005. Installations may work with landowners adjacent to installations in preparing and submitting grant proposals that may help with recovery of species, reducing encroachment pressures, or preventing the listing of species. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.



## UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

EVENT	DATE	LOCATION	DETAILS
<b>Qualified Recycling Program Course</b>	Multiple Dates	Multiple Sites	The course provides training on how to identify and market recyclable materials. The course is for any individual associated with an installation recycling program or DoD precious-metals recovery program. <a href="http://www.almc.army.mil/EMD/Page5.html">www.almc.army.mil/EMD/Page5.html</a>
<b>EPA Training Courses</b>	Multiple Dates	Multiple Sites	The EPA continually offers regional and national training opportunities on a variety of subjects. <a href="http://www.trainex.org">www.trainex.org</a>
<b>Environmental Negotiation Workshop</b>	November 8-10, 2005  April 18-20, 2006	San Antonio, TX  Bremerton, WA	This three-day workshop provides instruction on the negotiating and communication skills necessary to establish productive relationships and achieve beneficial agreements with regulatory and public stakeholders. It is intended for military and civilian personnel in environmental compliance, installation restoration, natural and cultural resources that are responsible for communicating and negotiating with other environmental professionals, regulators, and public stakeholders. <a href="https://www.cecos.navy.mil/coursedetail.cfm?courseid=20">https://www.cecos.navy.mil/coursedetail.cfm?courseid=20</a>
<b>Partners in Environmental Technology Technical Symposium &amp; Workshop</b>	November 29 – December 1, 2005	Washington, DC	The event will address efforts to ensure the sustainability of military testing and training ranges and reduce current and future environmental liabilities. <a href="http://www.serdp.org/sumposiums/symposiums.html">www.serdp.org/sumposiums/symposiums.html</a>
<b>Air and Waste Management Association National Meeting</b>	January 18 - 20, 2006	Arlington, VA	This meeting will provide an opportunity to review what has taken place over more than a quarter of a century under RCRA and chart the path for how it will be addressed in the future. <a href="http://www.awma.org/events/confs/RCRA2006/default.asp">http://www.awma.org/events/confs/RCRA2006/default.asp</a>
<b>American Water Works Association Inorganic Contaminants Workshop</b>	January 29 - 31, 2006	Austin, TX	Access the latest research and industry knowledge on topics from contamination identification to technology and implementation. <a href="http://www.awwa.org/conferences/inorganics/">http://www.awwa.org/conferences/inorganics/</a>
<b>Air Quality Management Course</b>	January 30 – February 3, 2006	Dayton, OH	This course is designed for each student to understand the basic technical and regulatory requirements of air quality management from a military and federal perspective and learn methods to plan and guide a successful air quality program at the installation level. <a href="http://cess.afit.edu/course_des.cfm?p=WENV%20531">http://cess.afit.edu/course_des.cfm?p=WENV%20531</a>
<b>Archeological Resources Protection Training Program</b>	January 30 – February 3, 2006	Port Hueneme, CA	This class provides training in all aspects of an archeological investigation and subsequent prosecution of the crimes. Topics include Crime Prevention, Archeological Resource Protection Act, Testifying in Court, Investigative Methods, and Archeological Crime Scene Investigations. For more information, email <a href="mailto:david.pease@navy.mil">david.pease@navy.mil</a> .
<b>2006 Environmental Cleanup Workshop</b>	January 31– February 2, 2006	San Antonio, TX	This workshop highlights installation cleanup programs including active, BRAC, and FUDS. <a href="http://aec.army.mil/usaec/cleanup/workshop/">http://aec.army.mil/usaec/cleanup/workshop/</a>
<b>Alaska Forum on the Environment</b>	February 6 - 10, 2006	Anchorage, AK	This year's event will again deliver nationally recognized speakers in 7 keynote events. Over 80 breakout sessions will provide educational opportunities and the latest research information on Alaska's Environment. <a href="http://www.akforum.com/">http://www.akforum.com/</a>
<b>Symposium on Perchlorate: Exposures from Food and the Environment</b>	February 9, 2006	Phoenix, AZ	This meeting is sponsored by ASTM International as part of standards development meetings of the Soil and Rock Committee. <a href="#">Perchlorate meeting</a>

EVENT	DATE	LOCATION	DETAILS
<b>Health Risk Communication Workshops</b>	February 21-23, 2006	Honolulu, HI	The Risk Communication Training Program prepares defense agencies, uniformed services, and veteran services personnel to interact better with both internal and external audiences in sensitive and challenging situations related to encroachment, sustainability, environmental, and other topics. <a href="http://chppm-www.apgea.army.mil/risk">http://chppm-www.apgea.army.mil/risk</a>
	July 5-7, 2006	San Antonio, TX	
	August 22-24, 2006	Colorado Springs, CO	
<b>Conference on Soils, Sediments, and Water</b>	March 13 -16, 2005	San Diego, CA	Sponsored by the Association for Environmental Health Sciences. <a href="http://www.aehs.com/conferences/westcoast/">http://www.aehs.com/conferences/westcoast/</a>
<b>Joint Services Environmental Management Conference</b>	March 20 -23, 2006	Denver, CO	The theme of the conference is Transformation, highlighting the many new and innovative ways the Department of Defense and other agencies are transforming how we are meeting our mission needs while protecting the environment. <a href="http://www.jsemconference.com/2006/">http://www.jsemconference.com/2006/</a>
<b>National Military Fish and Wildlife Association Conference</b>	March 21 -24, 2006	Columbus, OH	Annual meeting covering cultural and natural resources management on military lands. <a href="http://www.nmfwa.org/2006_Meeting/index.htm">http://www.nmfwa.org/2006_Meeting/index.htm</a>
<b>National Environmental Partnership Summit</b>	May 8-11, 2006	Atlanta, GA	The theme for the summit is "Stewardship in Action". Join environmental leaders in examining partnering, science and systems-based approaches, multi-media and integrated strategies, and sustainability. <a href="http://www.environmentalsummit.org">www.environmentalsummit.org</a>

[\[TOP OF SECTION\]](#)[\[TOP OF REVIEW\]](#)





## STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



## COLORADO

### REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

#### AIR INFORMATION:

**DEVELOPMENT OF A REGIONAL HAZE PLAN** – The Colorado Department of Public Health and Environment (CDPHE) is preparing a regional haze State Implementation Plan (SIP) revision pursuant to Section 308 of the Regional Haze Rule. Regulation 3, part G, released by the CDPHE on October 6, 2005, sets forth the process by which sources that are subject to Best Available Retrofit Technology (BART) must complete a determination of the BART applicable to that source. The proposed rule assumes that all BART-eligible sources are subject to BART, but allows individual sources the opportunity to demonstrate that they are neither eligible or subject to BART. This rule does not require that sources subject to BART install or operate BART at the affected facility, rather it only requires sources to submit information and analyses integral to the development of the regional haze SIP. The Air Quality Control Commission (AQCC) will hold a public hearing on December 15, 2005 to consider adoption of Regulation 3, Part G. This rule will set forth requirements to follow in the application of regional haze BART and the development of a regional haze element for the SIP. Comments are due December 1, 2005. For more information, contact Steve Arnold at (303) 692-3220. Regulation 3 is available at

[http://www.dora.state.co.us/pls/real/SB121.Download\\_file?p\\_file=F28073/RegHazeRMH12\\_05.doc](http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F28073/RegHazeRMH12_05.doc).

**AMENDMENTS TO OPEN BURNING, PRESCRIBED FIRE, AND PERMITTING AND STATIONARY SOURCE PERMITTING AND AIR POLLUTANT EMISSION NOTICE REQUIREMENTS** – The CDPHE is proposing to amend Regulation 9, Open Burning, Prescribed Fire, and Permitting and Regulation 3, Stationary Source Permitting and Air Pollutant Emission Notice Requirements. The proposed changes to Regulation 9 would increase the fee assessed to "significant" users of prescribed fire. The changes to Regulation 3 address clerical errors made in the previous rulemaking. The amendment would add a definition of "air curtain destructor" to the regulation. The CDPHE will hold a public hearing to consider adoption of the revisions on December 15, 2005. Comments are due December 1, 2005. The proposed regulatory text is available at

[http://www.dora.state.co.us/pls/real/SB121.Download\\_file?p\\_file=F21842/Reg3\\_Reg9.12.05.doc](http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F21842/Reg3_Reg9.12.05.doc).

**REVISIONS TO AMBIENT AIR QUALITY STANDARDS REGULATION AND MAINTENANCE PLANS** – The CDPHE is proposing to amend the emission budgets for carbon monoxide and PM10 contained in the ambient standards regulation. Revisions are also proposed to the attainment/maintenance plans for the Denver Metropolitan Area (carbon monoxide and PM10) and Longmont (carbon monoxide). The amendments to the attainment/maintenance plans remove required implementation of the motor vehicle emission inspection program and the



oxygenated fuels program from the SIP and propose implementation of the same requirements as state-only rules. A public hearing will be held on December 15, 2005. Comments are due December 15, 2005. For more information, contact Lisa Silva at (303) 692-3119. The proposed regulatory text is available at [http://www.dora.state.co.us/pls/real/SB121.Download\\_file?p\\_file=F19036/AmbientPM10dec.05.doc](http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F19036/AmbientPM10dec.05.doc).

### **WATER INFORMATION:**

**AMENDMENTS TO FEES APPLICABLE TO PRODUCTION OF BIOSOLIDS FOR BENEFICIAL USE** – The CDPHE is proposing to adopt amendments that would increase the fee charged for biosolids produced for beneficial use from \$1.24/ dry ton to \$2.11/ dry ton. The amendments would also establish a minimum fee for service of \$50. The CDPHE held a public hearing on October 19, 2005. For more information, contact Linda Shearman at (303) 692-3464.

**TRIENNIAL REVIEW AND REVISIONS TO CHATFIELD RESERVOIR CONTROL REGULATION** – The Water Quality Control Commission (WQCC) is performing a triennial review to consider revisions to Regulation 73. A rulemaking hearing for considering revisions to this regulation was held October 11, 2005. For more information, contact Diana Glaser at (303) 692-3469.

**TRIENNIAL REVIEW FOR REVISIONS TO THE SAN JUAN AND GUNNISON RIVER BASINS** – The WQCC is considering revisions to Regulations 34 and 35 that will effect San Juan and Dolores River Basin and Gunnison and Lower Dolores River Basins water quality classifications and numeric standards. The WQCC will hold an issues formulation hearing on November 14, 2005. Comments were due November 2, 2005. A rulemaking hearing will be held in June 2006. For more information, contact Diana Glaser at (303) 692-3469. Notice of the scoping hearing is available at <http://www.cdphe.state.co.us/op/wqcc/WQClassandStandards/Regs34-35/IFH2006.pdf>.

**DEVELOPMENT OF THE 2006 303(D) LIST** – The CDPHE is discussing the development of the 2006 303(d) list. The draft list was anticipated to be approved for filing at the WQCC meeting held on October 11, 2005. Regulation 93, Water-Quality-Limited Segments Requiring Total Maximum Daily Loads, and Regulation 94, Colorado's Monitoring and Evaluation List, will be considered at the February 13, 2006 hearing. Party status notification is due November 29, 2005 and a prehearing conference will be held on January 11, 2006. For more information, contact Phil Hegeman at (303) 692-3500. The draft 2006 listing and notice of the 02/14/06 public hearing is available at [http://www.cdphe.state.co.us/op/wqcc/Notice93\\_942006.pdf](http://www.cdphe.state.co.us/op/wqcc/Notice93_942006.pdf).

**AMENDMENTS TO COLORADO RIVER SALINITY STANDARDS** – The Colorado River Basin Salinity Control Forum is developing the 2005 review of the water quality standards for the seven Colorado River Basin states. The WQCC accepted comments on the Colorado River Salinity Standards through November 2, 2005. A public hearing will be held on November 14, 2005 to consider whether the current regulation should be continued in its existing form, amended, or repealed. For more information, contact Diana Glaser at (303) 692-3469.

**AMENDMENTS TO THE WATER BODY SEGMENTATION DESCRIPTIONS IN CLASSIFICATIONS AND NUMERIC STANDARDS FOR VARIOUS RIVER BASINS** – The WQCC is proposing to amend the water body segmentation descriptions found in the Classifications and Numeric Standards for Arkansas River Basin, the Upper Colorado River

Basin and North Platte River (Planning Region 12), the San Juan River and Dolores River Basins, the Gunnison and Lower Dolores River Basins, the Lower Colorado River Basin, the South Platte River Basin, Laramie River Basin, Republican River Basin and Smoky Hill River Basin. The WQCC will hold a public hearing on December 12, 2005 to consider adoption of the proposed revisions. For more information, contact Diana Glaser at (303) 692-3469. The proposed revisions are available at [http://www.dora.state.co.us/pls/real/SB121.Download\\_file?p\\_file=F31744/NoticeSeg1withExhibits.pdf](http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F31744/NoticeSeg1withExhibits.pdf).

### **WASTE INFORMATION:**

**AMENDMENTS TO THE HAZARDOUS WASTE REGULATIONS** – The CDPHE adopted amendments to the hazardous waste regulations regarding requirements for used oil storage, transfer facilities, and generator treatment and land disposal restrictions. The rules will be effective on November 30, 2005. The CDPHE will consider additional revisions regarding contingency plan requirements on November 15, 2005. For more information, contact Randy Perila at (303) 692-3364.

**AMENDMENTS TO THE REGULATIONS IMPLEMENTING THE COLORADO ENVIRONMENTAL COVENANTS STATUTE** – The CDPHE is proposing to add conforming amendments to implement the Colorado Environmental Covenant Statute. The changes would add a definition of "environmental covenant" and require a facility, no later than 30 days prior to closing, to submit a proposed environmental covenant to the CDPHE along with any other materials required. In addition, the CDPHE is proposing to add to the application for a state RCRA permit, a requirement that all existing hazardous waste management facilities include a copy of any applicable environmental covenants in their permit application. The Hazardous Waste Commission will hold a public hearing on November 15, 2005 to consider adoption of the proposed rule. For more information, contact Laurie Perila at (303) 692-3467. The proposed rule language is available at [http://www.dora.state.co.us/pls/real/SB121.Download\\_file?p\\_file=F31853/AmendmentstoImplementCOEnvCovenantStatute.pdf](http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F31853/AmendmentstoImplementCOEnvCovenantStatute.pdf).

### **LEGISLATIVE DEVELOPMENTS**

The 2005 legislative session began on January 12, 2005 and ended on May 9, 2005. For information on the 2005 legislative session, link: <http://www.leg.state.co.us/>.  
[TOP OF SECTION] [TOP OF REVIEW]



## MONTANA

---

### REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

#### AIR INFORMATION:

None.

#### WATER INFORMATION:

None.

#### WASTE INFORMATION:

None.

### LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began on January 3, 2005 and ended on April 21, 2005. For information on the 2005 legislative session, link: <http://www.leg.state.mt.us>.

**MONTANA EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE – EMINENT DOMAIN** – The Education and Local Government Interim Committee met on October 6, 2005 for an informational session regarding the impact of the U.S. Supreme Court eminent domain decision of the State of Montana. The Committee staff indicated that Senator Jerry O'Neill (R) had requested legislation to be drafted for the 2007 session regarding condemnation for urban renewal.

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)



## **NORTH DAKOTA**

### **REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION**

#### **AIR INFORMATION:**

None.

#### **WATER INFORMATION:**

**ASSUMPTION OF PRIMACY FOR PRETREATMENT PROGRAM** – The North Dakota Department of Health has assumed primacy from USEPA for the pretreatment program under the Clean Water Act. This assumption affects facilities that discharge into municipal sewage systems. The focus of the assumption includes monitoring and controlling toxic pollutants. The program was approved by the EPA on September 9, 20005. For more information, contact Gary Bracht at (701) 328-5210.

#### **WASTE INFORMATION:**

None.

### **LEGISLATIVE DEVELOPMENTS**

The 2005 legislative session began on January 4, 2005 and ended on April 29, 2005. For information on the 2005 legislative session, link: <http://www.state.nd.us/lr/>.

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)



## SOUTH DAKOTA

---

### REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

#### AIR INFORMATION:

None.

#### WATER INFORMATION:

None.

#### WASTE INFORMATION:

None.

### LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began on January 11, 2005 and ended March 22, 2005. For information on the 2005 legislative session, link: <http://legis.state.sd.us/index.cfm>.

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)



## UTAH

---

### **REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION**

#### **AIR INFORMATION:**

**ATTAINMENT DESIGNATION FOR PM 10 AND SO<sub>2</sub>** – The Utah Department of Environmental Quality (DEQ) is proposing revisions to the PM 10 Maintenance Plan. All areas of Utah formerly designated "non-attainment" including metropolitan Salt Lake City, are now in attainment for PM 10. Accordingly, the State is undergoing a revision of the PM 10 SIP to reflect this redesignation. The amendments to the plan were adopted on July 6, 2005. Due to revisions made to the rule text, they were republished in the August 1, 2005 Utah State Bulletin and became effective on September 2, 2005. New maintenance revisions for SO<sub>2</sub> were approved and are being submitted to EPA for final approval. For more information, contact Colleen Delaney at (801) 536-4248.

**REVISIONS TO R307-101-2, CLEARING INDEX** – The DEQ has adopted amendments to R 307-101-2 that revise the definition of "clearing index." The clearing index is an indicator of the predicted rate of clearance of ground level pollutants from a given area. The rule was adopted on September 8, 2005 and became effective the same day. For more information, contact Jan Miller at (801) 536-4042.

#### **WATER INFORMATION:**

**R317- 4 ONSITE WASTEWATER SYSTEMS** – The DEQ is proposing amendments to R317-4, Onsite Wastewater Systems. The DEQ plans to repeal the existing "alternative" methods and replace them with new, clearer methodologies that will better delineate responsibilities between the DEQ and local and state health agencies. Secondly, the DEQ expects to add several new onsite wastewater disposal system technologies to the rules. The Water Quality Board was scheduled to hold a special session on October 11, 2005 to discuss the proposed regulatory language. Rule adoption is expected in December 2005. For more information, contact Kiran Bhayani at (801) 538-6080. The proposed rule text is available at [http://waterquality.utah.gov/Rules/R317-4\\_text\\_6-6-05.pdf](http://waterquality.utah.gov/Rules/R317-4_text_6-6-05.pdf).

#### **WASTE INFORMATION:**

None.

### **LEGISLATIVE DEVELOPMENTS**

The 2005 legislative session began January 17, 2005 and ended March 2, 2005. For information on the 2005 legislative session, link: <http://www.le.state.ut.us/>.

[TOP OF SECTION]

[TOP OF REVIEW]



## WYOMING

---

### **REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION**

#### **AIR INFORMATION:**

None.

#### **WATER INFORMATION:**

**WATER QUALITY DESIGNATION FOR LODGEPOLE CREEK** – The Wyoming Department of Environmental Quality (DEQ) is proposing to reclassify an unnamed tributary of Lodgepole Creek and its tributaries in the Cheyenne River Basin. The classification will be changed from 3B to 4B. The DEQ accepted comments until October 14, 2005. For more information, contact Bill DiRienzo at (307) 777-7081. The use attainability analysis supporting the reclassification is available at

[http://deq.state.wy.us/wqd/surfacestandards/Downloads/Lodgepole/Lodgepole\\_UAA.pdf](http://deq.state.wy.us/wqd/surfacestandards/Downloads/Lodgepole/Lodgepole_UAA.pdf).

#### **WASTE INFORMATION:**

None.

### **LEGISLATIVE DEVELOPMENTS**

The 2005 legislative session began January 11, 2005 and ended March 4, 2005. For information on the 2005 legislative session, link: <http://legisweb.state.wy.us>.

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)